

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GIGAMON, INC.**v.****APCON, INC.**

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Case No. 2:19-cv-00300-JRG

**MINUTES FOR JURY TRIAL DAY NO. 5
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
April 22, 2021**

OPEN: 08:32 AM**ADJOURN: 02:21 PM**

ATTORNEYS FOR PLAINTIFF:	See attached.
ATTORNEYS FOR DEFENDANT:	See attached.
LAW CLERKS:	Lee Matalon Will Nilsson Cason Cole
COURT REPORTER:	Shelly Holmes, CSR-TCRR
COURTROOM DEPUTY:	Andrea Brunson

<u>TIME</u>	<u>MINUTES</u>
08:32 AM	Court opened.
08:33 AM	Exhibits used prior day read into the record.
08:36 AM	Jury entered the courtroom.
08:38 AM	Direct examination of Plaintiff's rebuttal witness, Professor Kevin Jeffay, by Mr. McDavit.
09:16 AM	Cross examination of Professor Kevin Jeffay by Mr. Deoras.
09:31 AM	Witness excused.
09:32 AM	Court provided instructions to Jury. Jury excused for the remainder of the day to return tomorrow morning at 8:00 AM.
09:36 AM	Jury excused until tomorrow morning.
09:38 AM	Court recessed.
10:17 AM	Court reconvened.
10:22 AM	The Court began hearing argument on Rule 50(a) motions.
10:23 AM	Ms. Chen, Ms. Wann, Mr. Silletta and Ms. Weyl presented argument on behalf of the Plaintiff. Mr. Deoras and Ms. Schmidt presented argument on behalf of the Defendant.

<u>TIME</u>	<u>MINUTES</u>
11:04 AM	The Court DENIED all Rule 50(a) motions brought by Plaintiff and Defendant.
11:05 AM	Completion of Rule 50(a) motions hearing. Informal charge conference will begin in the courtroom following the recess. The formal charge conference will be conducted this afternoon.
11:07 AM	Court recessed.
01:48 PM	Court reconvened.
01:51 PM	Formal charge conference started.
01:51 PM	Mr. Balcof argued for Plaintiff and Ms. Schmidt argued for Defendant.
02:17 PM	Formal charge conference completed.
02:21 PM	Court recessed until tomorrow.